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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/800,703

03/16/2004

Daniel Cheminais

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EXAMINER

BOYCE, ANDRE D

ART UNIT

PAPER NUMBER

3623

NOTIFICATION DATE

DELIVERY MODE

04/03/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/800,703	<b>Applicant(s)</b> CHEMINAIS ET AL.	
	<b>Examiner</b> Andre Boyce	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/30/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-20 have been examined.

#### ***Claim Objections***

2. Claims 19 and 20 are objected to under 37 CFR 1.75(c), as being of improper dependent form. The claims would fail the infringement test as seen in MPEP 608.01(n)(111), since someone could infringe on claim 19 and 20 without infringing on base claims 7 and 17, respectively, contained in the claims. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 18-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 18-20 recite "[a] computer readable medium..." As seen in Applicant's specification in paragraph 0100, the expression "medium readable by computer" covers a storage medium, for example magnetic or optical, as well as a transmission means, such as a digital or analogue signal.

As such, the claim may be interpreted as a storage medium, including a transmission means, such as a digital or analogue signal, which is not a proper medium, and thus non-statutory subject matter. See MPEP §2106.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Grettve et al (USPN 6,591,243).

As per claim 1, Grettve et al disclose a method implemented on a computer of monitoring a supply between at least one supplier and at least one client, in which a client site has at least one project, and each project is associated with dated requirements for products (i.e., supply chain control system, including a supplier delivering goods to producers, column 3, lines 4-10), and maintaining a state of product stock and product purchases (i.e., product balance data, column 3, lines 43-45), the method comprising: creating a list of product types required for each project (i.e., customer product information, column 3, lines 43-45); producing at least one table for each product type for a sequence of time slices having a chosen time origin (i.e., determining and storing a demand time for a refilling of balance of customer storage based on customer product information, column 3, lines 56-60), the at least one table having: a first running total for each time slice from the time origin up to a time slice of interest of a first quantity associated with the dated requirements of the

client site (i.e., demand quantity to be filled at the demand time, column 4, lines 31-32); and a second running total for each time slice from a time origin up to a time slice of interest, of a second quantity associated with the stock and the purchases, wherein the purchases are shifted timewise according to a delay in time (i.e., customer virtual product balance, representing the current product balance together with incoming delivery quantities, column 4, lines 40-44); and searching the at least one table for times at which the second running total is less than the first running total which is indicative of a risk of at least one of a supply shortage and a necessity of initiating supply (i.e., creation of delivery suggestion information object, based upon stored information, column 4, lines 50-54).

As per claim 2, Grettve et al disclose periodically shifting the running totals to a new time origin when there is substantial equality between first totaled quantities and second totaled quantities (i.e., demand time is assigned a reception time before the current demand time, column 4, lines 13-15).

As per claim 3, Grettve et al disclose the creating and the producing are reiterated in view of predetermined events (i.e., reiterated based upon the suggested delivery time, column 4, lines 22-29).

As per claim 4, Grettve et al disclose at least one of modification of a project date by the at least one client (i.e., delivery time assigned a reception time before the current generated delivery time, column 4, lines 24-29), modification of an availability date by the at least one client, modification of a supply delay by the at least one supplier, modification of product quantities to be provisioned, placing of an order

from the at least one client to the at least one supplier, confirmation of an order, reservation of a product from stock, and delivery of a product.

As per claim 5, Grettve et al disclose taking an order no later than a date substantially equal to a start-up date of a project, wherein the date is increased by supply availability and reduced by a supply delay (i.e., demand time is the time point when the stock has gone below the safety stock safety time\* storage outflow demand, column 4, lines 8-12).

As per claim 6, Grettve et al disclose classifying requirements of the stock and the purchases by product and by effective date (i.e., demand quantity, column 4, lines 31-37); forming a running total of the requirements for each product and in each time slice in a sequence, from a time origin, to create a first table (i.e., demand quantity to be filled at the demand time, column 4, lines 31-32); and forming a running total of the stock and deliveries provided for each product, and in each time slice in the sequence, from the time origin to create a second table (i.e., customer virtual product balance, representing the current product balance together with incoming delivery quantities, column 4, lines 40-44).

Claims 7-13 are rejected based upon the same rationale as the rejections of claims 1 and 1-6, respectively, since they are the system claims corresponding to the method claims.

As per claim 14, Grettve et al disclose the control module at least partially incorporates the state module (i.e., supplier means 1 and customer means 2, figure 1).

As per claim 15, Grettve et al disclose the monitoring module manages a list of product types involved in one or more projects (i.e., supply chain including several nodes and products, column 3, lines 4-8).

As per claim 16, Grettve et al disclose implemented in object-oriented programming and further comprising: an object class for the products; an object class for the stock; an object class for the purchases; and an object class for a table element comprising a quantity and a time (i.e., delivery suggestion object, delivery confirmation object, delivery information object, delivery order information object, etc., column 5).

As per claim 17, Grettve et al disclose an object class for each project (i.e., delivery suggestion object, delivery confirmation object, delivery information object, delivery order information object, etc., based upon each stage of the supply chain, column 5).

Claims 18-20 are rejected based upon the same rationale as the rejections of claims 1, 7 and 17, respectively, since they are the computer readable medium claims corresponding to the method and system claims.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Landvater (USPN 6609101) discloses time-phased forecasting and replenishment.

- Krichilsky et al (USPN 6530518) disclose viewing product delivery information.
- Erke et al (US 2003/0061126) disclose determining inventory levels.
- Lucas (USPN 6996538) discloses third party inventory control.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571)272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andre Boyce/  
Patent Examiner, Art Unit 3623  
March 29, 2008